

### *Planning Commission*

**MEETING DATE:** 2/1/2017

**CASE NO.** Conditional Use Permit No. 16-037

**APPLICANT:** Mother Earth's Farmacy, Philip Norman

**LOCATION:** 36633 Cathedral Canyon Drive (APN: 687-311-022)

**REQUEST:** Consider a Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing commercial building in the CBP-2 (Commercial Business Park) Zoning District located at 36633 Cathedral Canyon Drive.

**STAFF PLANNER:**

Salvador Quintanilla, Associate Planner

**RECOMMENDATION:**

**APPROVE** an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

**APPROVE** Conditional Use Permit No. 16-037 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

**FINDINGS:**

**APPROVAL OF AN EXEMPTION TO CEQA** based on the finding that the project qualifies as Categorical Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

**APPROVAL OF CONDITIONAL USE PERMIT NO. 16-037**, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 36633 Cathedral Canyon Drive in the CBP-2 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter No. 9.36.
2. The medical cannabis business as well as all operations as conducted therein, fully complies with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act (ADA), and all relevant City and State Law. Staff has reviewed the site and floor plans submitted and determined that, as conditioned herein, the medical cannabis business will

comply with all relevant building codes, zoning, and ADA.

3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter No. 5.88 of the Cathedral City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as part of the conditions of approval in this conditional use permit. The applicant has been granted a local license (MCL No. 16-027) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the medical cannabis business was in compliance with all applicable laws regarding the operation of the business.

4. The number, type, and availability of dispensaries located in or near the proposed licensed premises is such that the issuance of a conditional use permit to the Applicant will not result in or add to an undue concentration of Dispensaries and/or result in a need for additional law enforcement resources. There are three approved dispensaries located in the vicinity of the proposed dispensary. There is no evidence that any negative secondary effects associated with dispensaries are occurring in the area.

5. The medical cannabis business is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, is consistent with the general plan, and will not be detrimental to other uses in the zones.

6. The site for the medical cannabis business is adequate in size and shape to accommodate such use and any and all of the yards, setbacks and walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood. The medical cannabis business meets all the site development standards.

7. The site for the medical cannabis business relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis business is on Cathedral Canyon Drive, which has adequate capacity to serve the limited traffic that will be generated by the use.

8. The architectural design of the dispensary building includes design details to enhance its appearance and provides an overall asset to the community;

9. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

#### **BACKGROUND:**

The City Council enacted a number of ordinances allowing for the establishment of medical cannabis businesses (dispensaries, cultivation sites and manufacturing sites) within certain zoning districts of the City, subject to a Conditional Use Permit (CUP). The ordinances regulating medical cannabis

businesses are codified at CCMC Chapter 5.88 and 9.108 (the “Ordinance”).

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided and security and delivery plans. In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his designee, shall decide whether to approve or deny a local license application.

The Local License and CUP applications for the dispensary were submitted on July 21, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on October 18, 2016 (see Attachment No. 5).

This public hearing was originally scheduled for the November 16, 2016 Planning Commission meeting. However, due to a lack of quorum, the meeting was cancelled and the item was continued to the next regularly scheduled Planning Commission meeting of December 7, 2016.

On December 7, 2016, the Planning Commission considered the item and after deliberations, unanimously approved a motion to continue the item, requiring review by the Architectural Review Subcommittee, to address the following concerns: overall site design, screening of the roof-mounted mechanical equipment and the architectural design of the front of the building.

Working with staff, the applicant made a number of changes to the original site plan including opening the second driveway (ingress only), relocating the trash enclosure, adding additional parking at the rear of the site, adding additional handicap parking, and removing the tubular steel fence and adding a landscape planter along Cathedral Canyon Drive. Additionally, the applicant is removing all the roof-mounted equipment and will use mini-split systems. Finally, the applicant modified the color scheme of the building and removed the window and placed stucco joint lines on the left side of the front elevation.

On January 18, 2017, the Architectural Review Subcommittee reviewed the revised plans and approved the project to move forward to the Planning Commission incorporating the following changes:

- 1) Stop the block wall proposed along the north property line at the front of the trash enclosure.
- 2) Remove one of the handicap parking spaces.
- 3) The middle portion of the east elevation shall be painted with a light or dark color to accent the proposed main building color.
- 4) Paint the building fascia with a bronze color.

The changes were incorporated into the site and architectural plans prior to the Planning Commission

meeting. A Final Landscape Plan will be required to be submitted for review and approval by Staff and has been incorporated into the Conditions of Approval.

### **ANALYSIS:**

The project site is located within the CBP-2 (Commercial Business Park) Zoning District. The surrounding uses include an automobile accessories business, auto body and repair facilities, and a recycling center. Pursuant to CCMC section 9.108.090, a dispensary may only be located within the I-1 (Light Industrial), CBP-2 (Commercial Business Park) Zoning District or PCC (Planned Community Commercial) Zoning Districts.

Furthermore, no dispensary shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or b) within two-hundred and fifty (250) feet of East Palm Canyon Drive or a residential zone. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

The existing one-story building is approximately 1,090 square feet on a 14,374 square foot site. The applicant is proposing to have a dispensary area of 402 square feet, an office area of 121 square feet and ancillary space of 567 square feet. Based on the size of the building six parking spaces are required and nine (9) parking spaces are provided.

For security, the applicant is proposing to have a security guard outside the building, coded key doors, and surveillance cameras on the interior and exterior of the building. Additionally, per the applicant security glass will be installed on the storefront and windows of the building.

There is no additional square footage proposed to the building. Therefore, there are no issues with setbacks, building height or number of parking spaces. However, upon inspection of the site, there were a number of other concerns that the applicant has agreed to address and have been incorporated into the Conditions of Approval:

1. A new trash enclosure shall be constructed per City standard.
2. The existing pole sign shall be removed.
3. The existing parking area shall be repaved, parking stalls restriped and signed in accordance with ADA (Americans with Disabilities Act) standards.
4. All existing broken or damaged sidewalk, curb, gutter and drive approaches shall be replaced and/or repaired as determined by the City Engineer.
5. Illuminated building address numbers, a minimum of 12 inches in height, shall be placed on the building, plainly visible from the street, and be internally or externally illuminated.
6. Landscaping shall be renovated to comply with current City design standards and requirements.

**ENVIRONMENTAL ANALYSIS:**

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, which allows tenant improvements in existing buildings to be exempt. Since there is no outside expansion, this qualifies for a Class No. 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

**PUBLIC NOTIFICATION:**

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment No. 6).

**ATTACHMENTS:**

Attachment 1:	Conditions of Approval
Attachment 2:	Site Plan
Attachment 3:	Floor Plan
Attachment 4:	Exterior Elevation
Attachment 5:	Local License
Attachment 6:	Public Hearing Notice